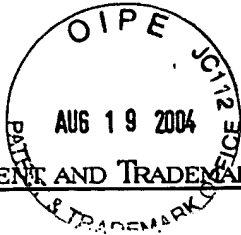




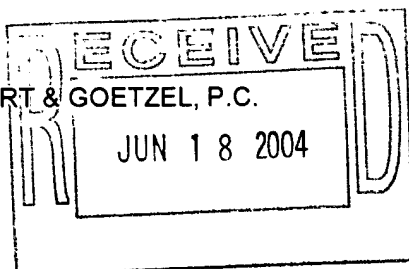
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,828	01/27/2004	Patrick Petit	5681-78600

35690
 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
 P.O. BOX 398
 AUSTIN, TX 78767-0398



CONFIRMATION NO. 9079

FORMALITIES LETTER



OC000000012948944

Date Mailed: 06/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/20/2004 MAHME1 00000068 501505 10765828

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 DA
 02 FC:1051 130.00 DA
 03 FC:1202 288.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 15C.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$288** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1188** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$288**
 - **\$288** for **16** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Meaza, W

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

For: Overload Management in an
Application-Based Server

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Group Art Unit: 2154

Examiner: Unknown

Atty. Dkt. No.: 5681-78600

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

---

B. Noël Kivlin

Name of Registered Agent

August 16, 2004

Date \_\_\_\_\_

Signature

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith is the following with regard to the above-identified application:

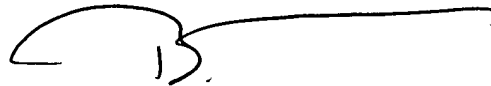
- (a) An Assignment of the invention executed by the inventor(s).
- (b) A combined Declaration and Power of Attorney executed by the inventor(s).
- (c) 4 sheets Formal Drawings (Fig. 1 - 7) replacing the current drawings.
- (d) A Fee Authorization form in the amount of \$1,188.00 to cover the filing fee for large entity (\$770.00), additional claims (\$288.00), and surcharge for late filing of oath or declaration for large entity (\$130.00).

- (e) A copy of Notice to File Missing Parts of Application Filing Date Granted.
- (f) A return postcard to acknowledge receipt of these materials. Please stamp and return this postcard to the undersigned.

The replacement drawings attached hereto have been reformatted to meet formal drawing requirements. Applicant believes no substantitive changes or changes that would constitute new matter have been made.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 501505/5681-78600/BNK.

Respectfully submitted,



B. Noël Kivlin  
Reg. No. 33,929  
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Ph: (512) 853-8800  
Date: August 16, 2004



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Atty. Dkt. No.: 5681-78600

For: Overload Management in an
Application-Based Server

B. Noël Kivlin

8-16-04

Signature

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Ph: (512) 853-8800
Date: 8-16-04



For: Overload Management in an
Application-Based Server

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Atty. Dkt. No.: 5681-78600

8-16-04

Date \_\_\_\_\_

Signature \_\_\_\_\_

## **SUBMISSION OF FORMAL DRAWINGS**

\_\_\_\_\_

Date: 8-16-04